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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Marc Hobe', a single man,

Plaintiff,

VS.

United States Department of Education;
Pioneer Recovery; and James Farrar,

Defendants.

No. CV-09-405-PHX-DGC

ORDER

Plaintiff Marc Hobe' commenced this action by filing a pro se complaint against the United States Department of Education ("DOE"), James Farrar, and Pioneer Recovery on February 27, 2009. Dkt #1. The Court dismissed the complaint without prejudice. Dkt. #29. Plaintiff filed an amended complaint on July 15, 2009. Dkt. #30.

On July 29, 2009, DOE and Farrar filed a motion to dismiss the amended complaint pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. Dkt. #32. Plaintiff has not filed a response to the motion as required by the Court's Local Rules of Civil Procedure. *See* LRCiv 7.2(c), 12.1(b).

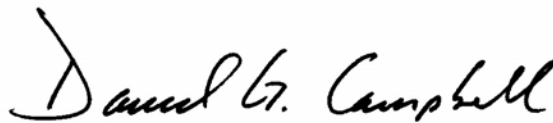
The Court previously has advised Plaintiff that he must become familiar with, and follow, both the Federal Rules of Civil Procedure and the Court's Local Rules. Dkt. #29 at 8. Local Rule 7.2 provides that if a defendant files a motion to dismiss and the plaintiff does not serve and file the required response, "such non-compliance may be deemed a consent to the . . . granting of the motion and the Court may dispose of the motion summarily." LRCiv 7.2(i). The Court will give Plaintiff until September 18, 2009 to file a response to

1 Defendants' motion to dismiss (Dkt. #32). If he fails to do so, the Court will consider
2 summarily granting the motion.

3 Defendants also have filed a notice of suggestion of bankruptcy, asserting that
4 Plaintiff lacks standing to prosecute this matter given his filing for Chapter 7 bankruptcy
5 protection on June 30, 2009. Dkt. #31. The Court will require Plaintiff to file a response to
6 the notice by September 18, 2009.

7 **IT IS ORDERED** that Plaintiff shall, by **September 18, 2009**, file a response to the
8 motion to dismiss (Dkt. #32) and a response to the notice of suggestion of bankruptcy
9 (Dkt. #31).

10 DATED this 4th day of September, 2009.

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David G. Campbell
15 United States District Judge
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